

AMENDED IN ASSEMBLY JULY 5, 2001
AMENDED IN SENATE APRIL 18, 2001
AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 225

Introduced by Senator Kuehl
(~~Coauthor: Senator Romero~~)
(Coauthor: Senator Romero)

*(Coauthors: Assembly Members Aroner, Keeley, Koretz, Steinberg,
and Thomson)*

February 14, 2001

An act to amend Sections 33353, 33354, and 35179 of the Education Code, relating to educational programs and activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 225, as amended, Kuehl. Education: interscholastic athletics: discrimination.

(1) Existing law, until January 1, 2002, describes the California Interscholastic Federation (CIF) as a voluntary organization consisting of school and school-related personnel with the responsibility for administering interscholastic athletic activities in secondary schools and sets forth legislative intent that the CIF, in consultation with the State Department of Education, implement certain policies. Existing law prohibits a voluntary interscholastic athletic association, of which any public school is a member, from discriminating against, or denying the benefits of any program to, any person on the basis of race, sex, or ethnic origin. Existing law requires the CIF to report to the Legislature on its evaluation and accountability activities undertaken pursuant to those activities on or before January 1, 2002.

This bill would broaden that prohibition against discrimination to include, among others, discrimination on the basis of religion, mental or physical disability, and any basis contained in the prohibition of hate crimes and would prescribe related matters. The bill would also require the CIF to provide information to parents and pupils regarding the state and federal—~~remedies~~ *complaint procedures* for discrimination complaints in interscholastic athletics.

(2) Under existing law, the State Department of Education has certain authority over interscholastic activities including that if the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. Under existing law, the department is prohibited from determining the specific policy that a school district, association, or consortium, or the federation must adopt in order to comply with state and federal laws.

This bill would, notwithstanding ~~and~~ *any* other provision of law, allow a complainant who wishes to file a discrimination complaint based on interscholastic activities conducted by an association, by a consortium of school districts, or by the California Interscholastic Federation to file that discrimination complaint directly with the department without having to first file a discrimination complaint with a school district, and would authorize the department, if it states that an association, a consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, to prescribe the administrative remedies that such an association, consortium of school districts, or the California Interscholastic Federation must provide in order to comply with state or federal law.

The bill would extend those provisions pertaining to the CIF until January 1, 2007, and would instead require that report to be made to the Governor and the Legislature on or before January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33353 of the Education Code is
2 amended to read:



1 33353. (a) The California Interscholastic Federation is a
2 voluntary organization consisting of school and school related
3 personnel with responsibility for administering interscholastic
4 athletic activities in secondary schools. It is the intent of the
5 Legislature that the California Interscholastic Federation, in
6 consultation with the State Department of Education, implement
7 the following policies:

8 (1) Give the governing boards of school districts specific
9 authority to select their athletic league representatives.

10 (2) Require that all league, section, and state meetings
11 affiliated with the California Interscholastic Federation be subject
12 to the notice and hearing requirements of the Ralph M. Brown Act
13 (Chapter 9 (commencing with Section 54950) of Division 2 of
14 Title 5 of the Government Code).

15 (3) Establish a neutral final appeals body to hear complaints
16 related to interscholastic athletic policies.

17 (4) Provide information to parents and pupils regarding the
18 state and federal ~~remedies~~ *complaint procedures* for
19 discrimination complaints arising out of interscholastic athletic
20 activities.

21 (b) The California Interscholastic Federation shall report to the
22 Legislature and the Governor on its evaluation and accountability
23 activities undertaken pursuant to this section on or before January
24 1, 2005.

25 (c) This section shall remain in effect only until January 1,
26 2007, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, 2007, deletes or extends that date.

28 SEC. 2. Section 33354 of the Education Code is amended to
29 read:

30 33354. (a) The State Department of Education shall have the
31 following authority over interscholastic athletics:

32 (1) The department may state that the policies of school
33 districts, of associations or consortia of school districts, and of the
34 California Interscholastic Federation, concerning interscholastic
35 athletics, are in compliance with both state and federal law.

36 (2) (A) If the department states that a school district, an
37 association, or consortium of school districts, or the California
38 Interscholastic Federation is not in compliance with state or
39 federal law, the department may require the school district,
40 association, or consortium, or the federation to adjust its policy so



1 that it is in compliance. However, the department shall not have
2 authority to determine the specific policy that a school district,
3 must adopt in order to comply with state and federal laws.

4 (B) Notwithstanding any other provision of law, a complainant
5 who wishes to file a discrimination complaint pursuant to the
6 regulations adopted for the purpose of implementing Section 261
7 based on interscholastic activities conducted by an association, a
8 consortium of school districts, or by the California Interscholastic
9 Federation, shall not be required to first file a discrimination
10 complaint with a school district, and may file an initial
11 discrimination complaint directly with the department, and the
12 department shall have the authority to specify, with regard to a
13 specific discrimination complaint, the administrative remedies
14 that such an association, a consortium of school districts, or the
15 California Interscholastic Federation must provide in order to
16 comply with state or federal law.

17 (3) If the department states that a school district, association, or
18 consortium, or the federation is not in compliance with state or
19 federal law in matters relating to interscholastic activities, and the
20 school district, association, or consortium, or the federation does
21 not change its policy in order to comply with these laws, the
22 department may commence with appropriate legal proceedings
23 against the California Interscholastic Federation, the school
24 district or against school districts that are members of the
25 California Interscholastic Federation or the association or
26 consortium that the department states is in noncompliance. In a
27 legal proceeding the court shall determine the matter de novo. The
28 department may make recommendations for appropriate remedies
29 in these proceedings.

30 (b) This section shall not be construed or interpreted to limit the
31 discretion of local governing boards, or voluntary associations
32 formed or maintained pursuant to subdivision (b) of Section
33 35179, in any policy, program, or activity that is in compliance
34 with state and federal law.

35 (c) The state law with which the policies of school districts,
36 associations, or consortia of school districts, and of the California
37 Interscholastic Federation, concerning interscholastic athletics,
38 are required to comply, in accordance with this section, includes,
39 but is not limited to, any regulations issued by the State Board of



1 Education pursuant to Section 232 with regard to discrimination
2 in interscholastic athletics.

3 (d) This section shall remain in effect only until January 1,
4 2007, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, 2007, deletes or extends that date.

6 SEC. 3. Section 35179 of the Education Code is amended to
7 read:

8 35179. (a) Each school district governing board shall have
9 general control of, and be responsible for, all aspects of the
10 interscholastic athletic policies, programs, and activities in its
11 district, including, but not limited to, eligibility, season of sport,
12 number of sports, personnel, and sports facilities. In addition, the
13 board shall assure that all interscholastic policies, programs, and
14 activities in its district are in compliance with state and federal law.

15 (b) Governing boards may enter into associations or consortia
16 with other boards for the purpose of governing regional or
17 statewide interscholastic athletic programs by permitting the
18 public schools under their jurisdictions to enter into a voluntary
19 association with other schools for the purpose of enacting and
20 enforcing rules relating to eligibility for, and participation in,
21 interscholastic athletic programs among and between schools.

22 (c) Each governing board, or its designee, shall represent the
23 individual schools located within its jurisdiction in any voluntary
24 association of schools formed or maintained pursuant to this
25 section.

26 (d) No voluntary interscholastic athletic association, of which
27 any public school is a member, shall discriminate against, or deny
28 the benefits of any program to, any person on any basis prohibited
29 by Chapter 2 (commencing with Section 200) of Part 1.

30 (e) Notwithstanding any other provision of law, no voluntary
31 interscholastic athletic association shall deny a school from
32 participating in interscholastic athletic activities because of the
33 religious tenets of the school, regardless of whether that school is
34 directly controlled by a religious organization.

35 (f) Interscholastic athletics is defined as those policies,
36 programs, and activities that are formulated or executed in
37 conjunction with, or in contemplation of, athletic contests between
38 two or more schools, either public or private.



1 (g) This section shall remain in effect only until January 1,
2 2007, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2007, deletes or extends that date.

O

